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9 Attorneys for Plaintiff

CJRMW

10

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) No. 07-00305 RMW
 15 Plaintiff,) [PROPOSED] ORDER EXCLUDING
 16 v.) TIME FROM MAY 25, 2007 THROUGH
 17 TONY XIAOLIANG WANG,) JUNE 11, 2007 FROM
 18 Defendant.) CALCULATIONS UNDER THE
) SPEEDY TRIAL ACT (18 U.S.C. § 3161)

19 Defendant Tony Xiaoliang Wang (“defendant”) made his initial appearance before
 20 Magistrate Judge Howard R. Lloyd on May 25, 2007. Edward Hung, Esq. appeared on behalf of
 21 the defendant. Assistant United States Attorney Hanley Chew appeared for the government.
 22 Judge Lloyd scheduled the next appearance in this matter before Judge Ronald Whyte on June
 23 11, 2007 at 10:00 a.m.

24 At the request of the parties, including the defendant, the Court enters this order
 25 documenting the exclusion of time from May 25, 2007 through June 11, 2007 from calculations
 26 under the Speedy Trial Act, 18 U.S.C. § 3161. The parties, including the defendant, agree and
 27 the Court finds and holds as follows:

28

[PROPOSED] ORDER
 U.S. v. WANG, NO: CR07-00305 RMW

1 1. The defendant understands and agrees to the exclusion of time for the period from May
2 25, 2007 through June 11, 2007 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161
3 based upon the fact that discovery is in the process of being produced in this case and the need
4 for the defense counsel to review that discovery, investigate further the facts of the present case
5 and effectively prepare for trial. The government anticipate producing its initial production of
6 discovery to begin during the week of May 28, 2007 and to continue on a rolling basis thereafter.

7 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
8 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
9 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
10 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be
11 from May 25, 2007 through June 11, 2007.

12 Given these circumstances, the Court finds that the ends of justice are served by
13 excluding the period of May 25, 2007 through June 11, 2007 from calculations under the Speedy
14 Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv) outweigh the best interests of the public and the
15 defendant in a speedy trial. Accordingly, the Court further orders that (1) the next appearance
16 date before this Court is scheduled for June 11, 2007 at 10:00 a.m.; and (2) the time from May
17 25, 2007 through June 11, 2007 is excluded from calculations under the Speedy Trial Act, 18
18 U.S.C. § 3161.

19 IT IS SO STIPULATED.

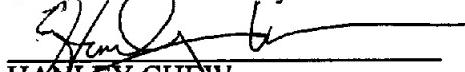
20 DATED: 5/29/07

WONG & ASSOCIATES


EDWARD HUNG

21 DATED: 5/29/07

SCOTT N. SCHOOLS
United States Attorney


HANLEY CHEW
Assistant United States Attorney

22 IT IS SO ORDERED.

23 DATED: _____

THE HONORABLE HOWARD R. LLOYD
United States Magistrate Judge

1. The defendant understands and agrees to the exclusion of time for the period from May 25, 2007 through June 11, 2007 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161 based upon the fact that discovery is in the process of being produced in this case and the need for the defense counsel to review that discovery, investigate further the facts of the present case and effectively prepare for trial. The government anticipate producing its initial production of discovery to begin during the week of May 28, 2007 and to continue on a rolling basis thereafter.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from May 25, 2007 through June 11, 2007.

Given these circumstances, the Court finds that the ends of justice are served by excluding the period of May 25, 2007 through June 11, 2007 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv) outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the Court further orders that (1) the next appearance date before this Court is scheduled for June 11, 2007 at 10:00 a.m.; and (2) the time from May 25, 2007 through June 11, 2007 is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO STIPULATED.

DATED: WONG & ASSOCIATES

EDWARD HUNG

DATED: 5/29/07

SCOTT N. SCHOOLS
United States Attorney

Hanley Chew
HANLEY CHEW
Assistant United States Attorney

IT IS SO ORDERED

DATED:

THE HONORABLE HOWARD R. LLOYD
United States Magistrate Judge

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that she is an employee of the office of the United States
3 Attorney, Northern District of California and is a person of such age and discretion to be
4 competent to serve papers. The undersigned certifies that she caused copies of

5 **[Proposed] Order Excluding Time From May 25, 2007 Through June 11, 2007 From
6 Calculations Under The Speedy Trial Act (18 U.S.C. § 3161)**

7 in the case of United States v. Tony Xiaoliang Wang, No. 07-00305 RMW to be served on the
8 parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows
9 which is the last known address:

10
11 **EDWARD HUNG, ESQ.**
12 413 Third Street
13 Jack London Square
14 Oakland, CA 94607

15 ____ (By Personal Service), I caused such envelope to be delivered by hand to the person or
16 offices of each addressee(s) above.

17 ____ (By Facsimile), I caused each such document to be sent by Facsimile to the person or
18 offices of each addressee(s) above.

19 X (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed
20 in the United States mail at San Jose, California.

21 ____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address
22 listed above.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated: May 29, 2007

25
26 
27 _____
28 Kathy Huynh,
 United States Attorney's Office